

Remarks

Applicants respectfully request reconsideration of the above-identified application. Claims 1-106 remain in this application. Applicants respectfully traverse the rejections as applied to the pending claims.

I. **Objective Evidence Establishes Non-Obviousness**

Claims 1-10, 12-13, 16-17, 19-24, and 59 were rejected under 35 U.S.C. §103(a) as obvious in view of U.S. Patent 6,060,136 to Patrick et al combined with U.S. Patent 5,407,708 to Lovin et al. Claims 11, 14-15, 18, 27-51, 54-55, and 66-106 were rejected under 35 U.S.C. §103(a) as obvious in view of Patrick combined with U.S. Patent 6,528,127 to Edlein et al. Dependent claims 25-26 and 52-53 were rejected under 35 U.S.C. §103(a) as obvious in view of Patrick combined with Edlein and Applicants' alleged admission on page one of the specification.

Applicants respectfully traverse these obviousness rejections by directing the Examiner's attention to the comparative data in the Application (page 33, line 27 to page 36, line 15) as objective evidence establishing non-obviousness.

As described in the Example section of the Application, eight samples of printed anti-fog films (Sample Nos. 1-8) were formed by applying a solvent-based ink formulation to one side of equivalent plastic films that incorporated 3% antifog agent in the outer layers. (Page 35, lines 7-16.) The "comparison" films of Samples Nos. 1-2 did not include either a radiation-cured varnish or a two-part reactive thermoset varnish on the print of the anti-fog film. Samples Nos. 3-6 were made according to the present invention because a cured overprint varnish (i.e., electron-beam curable overprint varnish) was on the print of the antifog film. (Page 35, lines 17-21.) Samples Nos. 7-8 were made according to the present invention because a cured overprint varnish (i.e., a two-part reactive thermoset varnish) was on the print of the antifog film. (Page 35, line 21 to page 36, line 2.)

Each of Samples 1-8 were subjected to conditions simulating storage of the printed films in roll form, which is the believed cause of "ghosting" (explained in the Application, page 2, lines 4-19). The comparative Samples 1-2 demonstrated deteriorated

antifog characteristics, as shown by the Antifog Ratings of 1; whereas, the Samples 3-8 according to the present invention did not demonstrate any significant deterioration of antifog characteristics, as shown by the Antifog Ratings of 4.5 to 5 (“excellent”).

There was no reason to have expected that the use of a radiation-cured overprint varnish or a thermoset varnish with a printed anti-fog film would cause the Samples 3-8 films to have superior anti-fog performance after exposure to ghosting-inducing conditions, as shown by the comparative data.

The Office Action states that the “use of ink levels that tend to minimize ghosting is deemed a matter of optimization.” (Office Action mailed Dec. 3, 2003 at page 4, lines 6-7; page 5, lines 10-11.) Applicants respectfully request clarification as to what the Examiner means by the term “ink levels.” The pending claims do not recite the term “ink level.” Further, it is not immediately apparent why the Examiner believes that certain ink levels minimize ghosting. To the extent that the Examiner is relying upon common knowledge or well-known prior art to establish this position, Applicants respectfully request that the Examiner supply supporting references. *See MPEP 2144.03.*

II. Evidence of Common Ownership of Patrick

The present application was filed after the November 29, 1999 amendment to 35 U.S.C. §103(c). As evidence of common ownership (or an assignment obligation to the same person) at the time the invention was made, the undersigned attorney hereby states that the subject matter of U.S. Patent 6,060,136 to Patrick et al and the present application were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person. Thus, Patrick is excluded as a reference available as §102(e) prior art under §103(c).

International Patent Application Publication WO 97/28964 – which is the PCT counterpart application to U.S. Patent 6,060,136 to Patrick et al – published on August 14, 1997, that is, before the September 8, 2000 priority filing date of the present application. WO 97/28964 is made of record in the present application by virtue of the Information Disclosure Statement accompanying this Response.

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III. No Basis Provided for Rejection of Claims 56-58 and 60-65

The previous Office Action did not provide a basis for the rejection of dependent claims 56-58 and 60-65. Since no basis has been provided for these rejections, Applicants respectfully request allowance of these dependent claims.

IV. Conclusion

In view of these remarks, it is respectfully submitted that the present application is in condition for allowance. A notice to that effect is earnestly and respectfully requested.

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